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India: Treatment of Sikhs travelling between the state of Punjab and the state of Jammu and Kashmir; existence of roadblocks, checkpoints in this region (2002 - 2005)

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Punjab state borders the south western section of Jammu and Kashmir state (Thomas, et al. 1998, 325). A railroad and the 1A highway cross the border between these two states (Maps of India n.d.).

In a 20 October 2005 telephone interview with the Research Directorate, the director general of the Border Security Forces (BSF) in New Delhi, India stated that roadblocks, checkpoints or travel restrictions along the border of Punjab state and the state of Jammu and Kashmir do not exist (India 20 Oct. 2005). The director general added that people can move "freely" across this border, and noted that thousands of tourists travelled to Jammu and Kashmir from other parts of India in 2005 (ibid.).

This is contrary to information provided in 3 November 2005 correspondence to the Research Directorate from a legal officer of the United Nations High Commissioner for Refugees (UNHCR), who commented that roadblocks and checkpoints "likely" exist in the border area between Punjab state and Jammu and Kashmir state, as they have for "many years." That checkpoints and roadblocks currently exist in this area was corroborated by the senior director of the Indian affiliate of an international human rights organization based in Chandigarh, the capital of Punjab (VFA 23 Oct. 2005), a New Delhi-based lawyer (27 Oct. 2005), and a California-based academic specialist in Indian Affairs (Associate Professor of Social and Cultural Anthropology 3 Nov. 2005). The United States Department of State *Country Reports 2002* (31 Mar. 2003, Sec. 2.d.), *Country Reports 2003* (25 Feb. 2004, Sec. 2.d.) and *Country Reports 2004* (28 Feb. 2005, Sec. 2.d.) confirmed that vehicle checkpoints did exist for the period 2002 to 2004, and special permits were required to travel in certain border areas of India for security reasons, although the specific border areas were not named. One news article suggested the existence of a police-operated vehicle checkpoint between Jammu city and Punjab state, as well as cooperation between checkpoint authorities (*The Tribune* 1 Feb. 2002).

Country Reports 2002 and *Country Reports 2003* stated that in 2002 and 2003, the BSF "routinely" searched and questioned people at vehicle checkpoints "throughout most of Jammu and Kashmir" (*Country Reports 2002* 31 Mar. 2003, Sec. 2.d.; *Country Reports 2003* 25 Feb. 2004, Sec. 2.d.), whereas *Country Reports 2004* stated that in 2004, the BSF took such measures in the "Kashmir Valley" (28 Feb. 2005, Sec. 2.d.). While the senior director of an India-based human rights organization stated that checkpoints and roadblocks are "generally" located on borders between Indian states (VFA 23 Oct. 2005), a New Delhi-based lawyer wrote that "most [checkpoints] are temporary and they can change from one place to another depending on the exigencies of the situation" (Lawyer 27 Oct. 2005). The general secretary of the People's Union for Civil Liberties based in Delhi, also stated that the location of such barriers depends on the "threat of extremist activity," and added that toll booths are the only other type of permanent roadblock in India (PUCL 30 Oct. 2005). Indeed, one news article consulted by the Research Directorate mentions the temporary use of barriers at the Rajasthan-Punjab border as a means to prevent fertilizer smuggling (*The Tribune* 27 Oct. 2005). Other news articles stated that in 2003, officers in the border area between Punjab state and the western region of Jammu and Kashmir state were given orders to prevent the movement of militants across the border (*The Tribune* 6 Aug. 2003), and that Punjab police and Jammu police engaged in cooperative efforts to prevent militant attacks on a dam on the Punjab-Jammu border (ibid. 5 Aug. 2003).

Whereas a number of sources noted that it is difficult to estimate the number of checkpoints and roadblocks along the border of Punjab state and Jammu and Kashmir state (Associate Professor of Social and Cultural Anthropology 3 Nov. 2005; UN 3 Nov. 2005; Lawyer 27 Oct. 2005), another stated that the number of checkpoints and roadblocks has decreased in recent years (VFA 23 Oct. 2005), while still another reported an increase in such barriers (Lawyer 27 Oct. 2005).

Treatment of Sikhs

The New Delhi-based lawyer cited earlier stated in correspondence to the Research Directorate that most people travelling the border between Punjab state and Jammu and Kashmir state "could be frisked and interrogated" (Lawyer 27 Oct. 2005). Academic specialists in Indian affairs commented that Sikhs are "not especially" discriminated against while crossing these checkpoints and roadblocks (Associate Professor of Social and

Cultural Anthropology 3 Nov. 2005; Professor of Asian Studies 14 Nov. 2005). One specialist explained that this is because police in this area are mainly Sikhs themselves (ibid.). A representative of the People's Union for Civil Liberties stated that there is generally no discrimination or harassment of members of any particular community in India (PUCL 30 Oct. 2005). The UNHCR was unable to comment on the treatment of Sikhs at the border area between Punjab state and Jammu and Kashmir state (UN 3 Nov. 2005).

Impact of October 2005 Earthquake

According to a specialist in Indian affairs, since the 8 October 2005 earthquake in Pakistan (Canada 24 Nov. 2005), roadblocks and checkpoints are "all over the place" in the border area of Punjab state and Jammu and Kashmir state, but this specialist was unable to provide information on the locations or number of these roadblocks and checkpoints (Professor of Asian Studies 14 Nov. 2005).

In its November 2005 travel report on India, Foreign Affairs Canada cautions against "all non-essential" travel to the states of Jammu and Kashmir and Punjab in India, as well as to the border areas of Punjab, and states that the Indian army is cordoning off sections along the Jammu and Kashmir border, though the report does not specify the exact locations (Canada 24 Nov. 2005). News articles reported that after the earthquake, people were travelling from Pakistan Occupied Kashmir (POK) to Jammu via the Wagah border, which divides India and Pakistan, implying possible travel across the border between Punjab state and Jammu and Kashmir state (OANA 12 Oct. 2005; *The Hindu* 28 July 2005).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Oral sources: Attempts to contact the Ministry of Home Affairs, Punjab Police and Jammu and Kashmir Police for the purposes of this Response were unsuccessful.

Internet sources, including: Amnesty International; Asian Human Rights Commission; Center for Human Rights and Global Justice, New York University; Department of Anthropology, University of Notre Dame; European Country of Origin Information Network; High Commission of India in Canada; India Centre for Human Rights and the Law; Ministry of Home Affairs, Government of India; Movement Against State Repression (Punjab, India); New York University School of Law; Punjab Human Rights Organization; Punjab State Human Rights Commission; Punjab State Transport Department; Sikh Human Rights Group United Kingdom; South Asia Books; South Asia Human Rights Documentation Centre; United Kingdom India Country Report; United Nations Development Programme India; United Sikhs; World Sikh Organization.

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